

## DECISION MEMORANDUM

**TO:** COMMISSIONER ANDERSON  
COMMISSIONER CHATBURN  
COMMISSIONER HAMMOND  
COMMISSION SECRETARY  
COMMISSION STAFF  
LEGAL

**FROM:** DAYN HARDIE  
DEPUTY ATTORNEY GENERAL

**DATE:** MARCH 8, 2022

**RE:** IDAHO POWER'S COMPLIANCE FILING REGARDING FIRST  
AMENDMENT EDITS; CASE NO. IPC-E-21-26.

### BACKGROUND

Order No. 35239 approved the Replacement Energy Sales Agreement (“ESA”) between Idaho Power and Michael Branchflower for the Trout-Co Hydro project (“Project” or “Facility”) with two modifications. First, the Replacement ESA will use two sets of avoided cost rates from 2021 through 2025. Any hourly generation less than or equal to 240 kilowatt-hours (“kWhs”) will receive immediate capacity payments, and any hourly generation above 240 kWhs will not receive capacity payments until after the Company becomes capacity deficient starting in 2026. Second, the 90/110 Rule will be implemented based on two sets of avoided cost rates from 2021 through 2025 until the Facility becomes eligible for capacity payments.

On December 15, 2021, Idaho Power filed a Motion to Approve the First Amendment (“Amendment”) with the Commission in compliance with Order No. 35239. Staff reviewed the Amendment for compliance with Order No. 35239 and recommended that the Amendment generally complied with the Commission’s directives but recommended several corrections to the language. *See* Staff’s Decision Memo filed on December 27, 2021.

At its December 28, 2021, decision meeting, the Commission approved the Amendment subject to Staff’s proposed modifications being made and the Facility’s agreement.

On February 4, 2022, the Company filed a Compliance Filing to reflect Staff’s recommended edits with signatures from both parties.

**STAFF ANALYSIS**

Staff has reviewed the Company’s Compliance Filing and believes that the edits to the First Amendment filed on February 4, 2022, reflect Staff’s proposed edits and is in full compliance with the Commission’s directives and Order No. 35239.

**STAFF RECOMMENDATION**

Staff recommends that the Commission approve the Company’s edits to the First Amendment as filed on February 4, 2022.

**COMMISSION DECISION**

Does the Commission wish to approve the Company’s edits to the First Amendment as filed on February 4, 2022?



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Dayn Hardie  
Deputy Attorney General